

**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

HENDRIK BLOCK,

Plaintiff,

v.

K & K SISTERS, LLC, et al.,

Defendants.

Case No. 1:20-cv-01265-NONE-SAB

ORDER REQUIRING PLAINTIFF TO  
SHOW CAUSE WHY DEFENDANT K & K  
SISTERS , LLC SHOULD NOT BE  
DISMISSED FROM THIS ACTION FOR  
FAILURE TO SERVE IN COMPLIANCE  
WITH RULE 4(m)

FIVE DAY DEADLINE

Plaintiff filed this action alleging violation of the Americans With Disabilities Act on September 3, 2020, against 3K Investment Company, LLC and K & K Sisters, LLC. (ECF No. 1.) The summons and an order setting the mandatory scheduling conference issued on September 8, 2020, and informed Plaintiff that she was to “diligently pursue service of the summons and complaint” and “promptly file proofs of the service.” (ECF No. 3 at 1.) Plaintiff was referred to Rule 4 of the Federal Rules of Civil Procedure regarding the requirement of timely service of the complaint. (Id. at 1-2.) Further, Plaintiff was advised that “[f]ailure to comply may result in the imposition of sanctions, including dismissal of unserved Defendants.” (Id. at 2.)

Plaintiff filed a first amended complaint on October 19, 2020, adding Defendant Jack Terzian as a defendant and the summons issued on October 20, 2020. (ECF Nos. 4, 5.) On November 17, 2020, an order issued requiring Plaintiff to notify the court of the status of service

1 on the defendants. (ECF No. 6.) Plaintiff filed a notice of service and requested the scheduling  
2 conference be continued on November 20, 2020. (ECF No. 7.) Plaintiff sought an additional  
3 thirty days to serve the summons and complaint. (Id.) On November 20, 2020, an order issued  
4 granting Plaintiff's request and she was provided with an additional thirty days to serve the  
5 complaint. (ECF No. 8.) More than thirty days have passed and Plaintiff has not filed a proof of  
6 service showing that Defendant K & K Sisters, LLC has been served with the summons and  
7 complaint.

8 Rule 4(m) of the Federal Rules of Civil Procedure addresses the time requirements for  
9 service of the complaint in civil cases. Rule 4(m) provides:

10 If a defendant is not served within 90 days after the complaint is filed, the court--  
11 on motion or on its own after notice to the plaintiff--must dismiss the action  
12 without prejudice against that defendant or order that service be made within a  
specified time. But if the plaintiff shows good cause for the failure, the court must  
extend the time for service for an appropriate period.

13 Accordingly, Plaintiff is HEREBY ORDERED to show cause in writing within **five (5)**  
14 **days** from the date of service of this order why Defendant K & K Sisters, LLC should not be  
15 dismissed from this action for failure to serve the complaint in compliance with Rule 4(m) of the  
16 Federal Rules of Civil Procedure.

17 IT IS SO ORDERED.

18 Dated: **January 13, 2021**

19   
UNITED STATES MAGISTRATE JUDGE